

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Keith R. Murphy
Nicholas J. Cremona
Robertson D. Beckerlegge
Elyssa S. Kates

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04387 (SMB)

JAMES LOWREY, individually and in his capacity
as general partner of Turtle Cay Partners, in his
capacity as personal representative of the Estate of
Marianne Lowey, and in his capacity as successor
partner of Coldbrook Associates Partnership, *et al.*,

Defendants.

TRUSTEE'S MOTION FOR SUMMARY JUDGMENT

Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa–*III*, and the estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, respectfully submits this motion in the above-captioned adversary proceeding for summary judgment (the “Motion”), pursuant to the schedule set forth in the Stipulation for Entry of Scheduling Order so ordered by this Court on January 26, 2017 (attached hereto as Exhibit 1), and Rule 56 of the Federal Rules of Civil Procedure (made applicable Rule 7056 of the Federal Rules of Bankruptcy Procedure) and Southern District of New York Local Bankruptcy Rule 7056-1, on Count Two of the Trustee’s amended complaint (ECF No. 18) to avoid and recover as fraudulent transfers (the “Transfers”) the amounts BLMIS fraudulently transferred to defendants (“Defendants”) in the above-captioned action (“Avoidance Action”), and for which Defendants failed to provide value. The facts and support underlying the Motion are fully set forth in the Joint Statement of Undisputed Material Facts (the “Joint Statement”) submitted by the Trustee and Defendants (together, the “Parties”), and so ordered by this Court on June 27, 2017, as well as the accompanying Trustee’s Memorandum of Law in Support of Motion for Summary Judgment, and the Declaration of Keith R. Murphy in Support of Trustee’s Motion for Summary Judgment dated August 11, 2017 with exhibits annexed thereto, filed simultaneously herewith.

By the Motion, the Trustee seeks the entry of an order in the above-captioned case avoiding the Transfers, and directing the Defendants to return such Transfers, or the value thereof, to the Trustee for the benefit of the BLMIS estate. The Trustee also seeks prejudgment interest from the Defendants concerning the Transfers.

Dated: New York, New York
August 11, 2017

BAKER & HOSTETLER LLP

By: /s/ Keith R. Murphy

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David J. Sheehan

Email: dsheehan@bakerlaw.com

Keith R. Murphy

Email: kmurphy@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

Robertson D. Beckerlegge

Email: rbeckerlegge@bakerlaw.com

Elyssa S. Kates

Email: ekates@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*